

REMARKS

The Office Action dated December 28, 2005 has been received and carefully noted. The above amendments to the claims and the following remarks, are submitted as a full and complete response thereto.

New claims 43-45 are added. Support for claims 43 and 44 is derived from previously cancelled claim 38. Support for new claim 45 is derived from the method recited in claim 22. Thus, no new matter is added. Claims 22-37 and 39-45 are respectfully submitted for consideration.

The Office Action rejected claims 22-30, 32, 33-37, 39, 40, 41 and 42 under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,826,188 to Tayloe et al. (Tayloe), in view of US Patent No. 6,256,497 to Chambers (Chambers), in further view of US Patent No. 5,912,885 to Mitts et al. (Mitts). The Office Action also rejected claim 31 under 35 U.S.C. 103(a) as being unpatenable over Tayloe, Chambers and Mitts in further view of US Patent No. 6,393,047 to Popovic. The Office Action took the position that Tayloe disclosed all of the features of these claims except the feature of analyzing whether a subscriber using the radio transceiver is entitled to use a requested service which is asserted to be disclosed by Chambers and the feature of wherein a specific service is requested, which is asserted to be disclosed by Mitts. Applicant respectfully submits that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims.

Claim 22, from which claims 23-37 depend, recites a method of interworking between different radio access networks wherein a radio transceiver device capable of operating with a first radio access network and a second radio access network is attached to said first radio access network. The method includes detecting a request for specific service, wherein said request for specific service is received from the network side and accessing information on conditions for the first and the second radio access network networks for giving sufficient support for a specific service requested by said request for specific service. The method further includes analysing whether or not said first radio access network and said second radio access network meets meet said conditions, and initiating a handover of said radio transceiver device from said first radio access network to said second radio access network if the second radio access network meets the conditions but the first radio access network does not.

Claim 39, from which claims 40-42 depend, recites a network interworking device for a telecommunication network comprising at least two radio access networks, wherein a radio transceiver device capable of operating with said first radio access network and said second radio access network is attached to said first radio access network. The device includes a detecting means for detecting a request for specific service, wherein said request for specific service is received from the network side, an analysing means responsive to said detecting means and having the functionality of accessing information on conditions for said first and said second radio access networks for giving sufficient support for the a specific service requested by said request for specific service and

analysing whether or not said first radio access network and said second radio access network meet the conditions. The device further includes initiating means responsive to said analysing means, the initiating means being adapted to initiate a handover of said radio transceiver device from said first radio access network to said second radio access network if the respective conditions are not met by said first radio access network but by said second radio access network.

The Applicant submits that the above claims recite features that are neither disclosed nor suggested in the cited references, and the cited references therefore do not provide the advantages provided by the invention.

Tayloe is directed to a method for handing off calls between differing radio telecommunication networks. The method described in Tayloe, enables a subscriber unit to hand-off a call between two communication networks having different air interfaces and/or using differing “locational standards”. For example, a network can receive location interworking information from another network for use in a network-to-network handoff. See Tayloe, column 3 lines 1-5.

Chambers is directed to a dual mode mobile telephone which is adapted to work between a satellite network and a land-based network (PLMN). In the system described in Chambers, the user of the mobile telephone can choose between services provided by the satellite network and services provided by the PLMN (see column 2 lines 32 – 38 and lines 42-53). Further, a check is performed whether a particular subscriber is permitted to

use a second service provided by the second network. See column 3 lines 4 – 40 and column 9 lines 45-67.

The Office Action admits that Tayloe and Chambers do not disclose or suggest at least the feature of detecting a request for specific service, wherein said request for specific service is received from the network side and accessing information on conditions for the first and the second radio access network networks for giving sufficient support for a specific service requested by said request for specific service, as recited in claim 22 and similarly recited in claim 39 (underlines added). At best, Tayloe merely discloses a request for an inter-network handoff and not a request for a specific service. The Office Action relied on Mitts to cure the deficiencies of Tayloe and Chambers. However, as discussed below, Mitts can not properly be applied as prior art against the present invention. Thus, the cited references fail to disclose or suggest all of the features of any of the above claims.

With respect to the rejections under 35 U.S.C. §103, Applicant's respectfully submit that these rejections should be withdrawn since Mitts is not a proper reference under 35 U.S.C. §103(c). Mitts is assigned to Nokia Mobile Phones Limited, of Salo, Finland, and was issued on June 15, 1999 and was filed on February 18, 1997. The present application is assigned to Nokia Networks OY, of Espoo, Finland and is a continuation of PCT application No. PCT/EP99/00452 which was filed on January 25, 1999 and therefore, claims priority under 35 U.S.C. 120. Thus, Mitts qualifies as prior art only under 35 U.S.C. 102(e).

Applicant respectfully submits that Nokia Mobile Phones and Nokia Networks are both wholly owned business units of Nokia Corporation. Attached is a printout from the Nokia Corporation home page, located at www.nokia.com/nokia/0,8764,33080,00.html which explains that Nokia Corporation includes two business groups, those being Nokia Mobile Phones and Nokia Networks. Therefore, as indicated in 35 U.S.C. §103(c), Mitts cannot be used as prior art in making a rejection under 35 U.S.C. §103(a). 35 U.S.C. §103(c) clearly explains that subject matter developed by another person, which qualifies as prior art only under 35 U.S.C. §102(e), (f) or (g), shall not preclude patentability under 35 U.S.C. § 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Thus, it is respectfully submitted that the rejections under 35 U.S.C. § 103(a) are improper.

Applicant respectfully submits that because claims 23-30, 32, 33-37, 40-42 depend from claims 22 and 39, these claims are allowable at least for the same reasons as claims 22 and 39 as well as the additional features recited in these dependent claims.

Based at least on the above, Applicant respectfully submits that cited references fail to disclose or suggest all of the features recited in claims 22-37 and 39-42. Accordingly, withdrawal of the rejections of claims 22-37 and 39-42 under 35 U.S.C. 103(a) is respectfully requested.

New claims 43-45 are added and as discussed above, supported in the present specification. Applicant respectfully submits that the cited references taken individually

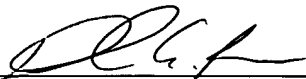
or in combination, fails to disclose or suggest all of the features of any of the pending claims, at least for the reasons stated above as well as the additional features recited these new claims.

Applicant respectfully submits that each of claims 22-37 and 39-45 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicant respectfully requests that each of claims 22-37 and 39-45 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
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